

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTOPHER VON STEIN

— Petitioner

v.

JOON H. KIM
VLADISLAV VAINBERG
BRUCE D. KOFFSKY
JUDGE VINCENT BRICCETTI
MAURENE COMEY

— Respondent(s)

2018 JAN 18 PM 2:18
18CV497

PETITION FOR A
WRIT OF HABEAS
CORPUS UNDER
28 U.S.C. § 2241

____ Civ. ____ ()

YOU MUST COMPLETE THIS ENTIRE FORM

1. Parties in this Petition:

- a. You are the Petitioner. List your name and address. If you are currently in custody, include your identification number and the name and address of your current place of confinement.

Petitioner's Name: CHRISTOPHER VON STEIN

Prisoner ID#: 79076-054

Alien #: _____

Current Institution: METROPOLITAN DETENTION CENTER

Address: P.O. BOX 329002
BROOKLYN, NY 11232

- b. List all Respondents by name, position, and place of employment. Make sure that the respondent(s) listed below are identical to those contained in the above caption. Attach additional pages of paper if necessary.

Respondent No. 1

Name: JOON H. KIM

Where Currently Employed: SOUTHERN DISTRICT PROSECUTOR'S OFFICE

Address: 300 QUARROPAS STREET
WHITE PLAINS, NY 10601

Respondent No. 2

Name: VLADISLAV VAINBERG

Where Currently Employed: ~~300 QUARROPAS ST~~ S. DIST. PROSECUTOR'S OFFICE

Address: 300 QUARROPAS ST
WHITE PLAINS, NY 10601

Respondent No. 3

Name: BRUCE D. KOFFSKY

Where Currently Employed: CJA Attorney

Address: 1150 Bedford Street
Stamford, Connecticut 06905

Respondent No. 4

Name: Judge VINCENT L. BRICETTI

Where Currently Employed: U.S. COURTHOUSE, Southern Dist. of NY

Address: 300 QUARROPAS ST
WHITE PLAINS, NY 10601

2. This petition concerns (check one):

- a. ☐ a conviction and/or a sentence
b. ☐ calculation of sentence
c. ☐ parole
d. ☐ prison disciplinary proceeding
e. ☒ detainer
f. ☐ other (explain) _____

Respondent No. 5.

Name MAURENE COMEY

Employed: S. District of NY Prosecutors office

Address: 300 QUARROPAS ST.
White PLAINS, NY 10601

3. ~~Provide the following information regarding the conviction(s) and sentence(s) for which you are currently incarcerated.~~

- a. Name(s) and location(s) of court: U.S. COURTHOUSE, 300 QUARROPAS
b. Case Number(s): 17CR341 (VB)
c. Charge(s) of which you were convicted: N/A

d. What was your plea?

- (1) Not guilty ☐
 (2) Guilty ☐
 (3) Nolo contendere ☐

N/A

e. Did you appeal from the judgment of conviction?

Yes ☐

No ☐

N/A

4. If you did appeal, answer the following:

a. Name of court: N/A Case #: _____

b. Result: _____

c. Date of opinion and mandate (if known): _____

5. If you are challenging your conviction or sentence:

a. Have you previously filed a motion under 28 U.S.C. § 2255?

Yes ☐

No ☐

If yes, please provide the case #, the name of the court where filed, relevant date(s), and the results: _____

b. Challenges to your federal conviction or sentence can be raised only by motion under 28 U.S.C. § 2255, unless the § 2255 motion is "inadequate or ineffective to test the legality of [your] detention." 28 U.S.C. § 2255 (e). If you are challenging your conviction or sentence, please explain what serious constitutional questions may be raised if the Court does not consider your habeas petition: Equal protection

detainer

of the law, "Equal justice", freedom from selective and vindictive prosecutions,

6. If this case concerns parole,

a. Does it concern (check one): ☐ revocation OR ☐ denial?

N/A

b. When and where was your parole revoked or denied? _____

7. If this case concerns a prison disciplinary proceeding, when and where did this proceeding take place? _____

N/A

8. If ~~this~~ case concerns a detainer, does the detainer concern a (check one):
☒ federal matter ☐ state matter ☐ immigration matter?

9. In the spaces below, set forth every ground that supports your claim that you are incarcerated unlawfully. Briefly summarize the specific facts in support of each ground raised. You may attach additional pages if necessary to raise additional grounds or provide additional facts.

a. Ground One: See attachment

Supporting FACTS: see attachment

Exhaustion:

(1) Have you presented Ground One to the Bureau of Prisons either through the prison grievance system or other administrative proceeding?

Yes ☐ No ☒

If yes, please provide the results of the proceeding(s) and the relevant date(s), including any appeals; if no, please explain why not: # subject does

not pertain to the BOP

b. Ground Two: See attachment

Supporting FACTS: See attachment

Exhaustion:

(1) Have you presented Ground Two to the Bureau of Prisons either through the prison grievance system or other administrative proceeding?

Yes ☐

No ☒

If yes, please provide the results of the proceeding(s) and the relevant date(s), including any appeals; if no, please explain why not: Subject does not

pertain to the BOP

c. Ground Three: See attachment

Supporting FACTS: See attachment

Exhaustion:

(1) Have you presented Ground Three to the Bureau of Prisons either through the prison grievance system or other administrative proceeding?

Yes ☐

No ☒

If yes, please provide the results of the proceeding(s) and the relevant date(s), including any appeals; if no, please explain why not: subject does not

pertain to BOP

d. Ground Four: see attachment

Supporting FACTS: see attachment

Exhaustion:

(1) Have you presented Ground Four to the Bureau of Prisons either through the prison grievance system or other administrative proceeding?

Yes ☐ No ☒

If yes, please provide the results of the proceeding(s) and the relevant date(s), including any appeals; if no, please explain why not: subject does not

pertain to the BOP

10. Based on the grounds raised above, what are you asking the Court to do?

I am asking the Court to dismiss this case.

In the event that this case is not dismissed,

under Rule 12b of the FRCP for "selective or vindictive prosecution," or any other reason, including

Lack of Jurisdiction,

preserving the integrity of the judiciary," and otherwise promoting the interest of justice" (-28 U.S.C. § 2073(b)), I ask

for a reasonable bail, so I may adequately prepare for this trial and others **DECLARATION** and take care of my family and other responsibilities

I declare under the penalty of perjury that I have read the above and the information contained in this petition is true and correct.

1/3/18

(Date)

CvShm

Signature of Petitioner

IF MAILED BY PRISONER:

I declare under the penalty of perjury that this Petition was (check one):

☒ delivered to prison officials for mailing or ☐ deposited in the prison's internal mail system on

1/3/18 1/15/18

(Date)

CvShm

Signature of Petitioner

TRULINCS 79076054 - VON STEIN, CHRISTOPHER - Unit: BRO-I-A

FROM: Graciano, Irma
 TO: 79076054
 SUBJECT: letter to Politicians
 DATE: 01/08/2018 01:21:04 PM

Christopher von Stein, No.79076-054
 Metropolitan Detention Center
 MDC Brooklyn PO BOX 329002
 Brooklyn NY 11232

Supporting Affidavit 01/08/2018 3:20

RE : A retaliatory federal government that has gotten out of hand and is intruding on states rights, and the rights of American citizens.

December 31st, 2017

Concerned ladies and gentlemen,

I'm writing to you because of a danger much greater than any foreign "terrorist" organization this country has ever seen. I am writing to you with concern for the domestic invasion, of which the founders of this country warned us when they wrote "invaders foreign and domestic." From bridge-closings to rehearsed presidential debates (with rehearsed dances), we all have seen the determination with which large corporations, banks, and a "culture of former federal prosecutors" (David Wildstein referencing the masterminds of the bridgegate conspiracy), have been making attempts to seize our political arenas.

I am being retaliated against, by way of "selective enforcement" of federal law; my prosecution has been orchestrated by the Comey family, for criticizing James Comey's "selective enforcement" of the law, as it pertained to meddling in our election by not seeking an indictment for Hillary Clinton during the 2016 primaries. I am being prosecuted in federal court for a matter that has normally been, and to the best of my and my court-appointed-attorney's research, has ALWAYS been handled in a family court and/or a state court.

My standby-court-appointed-attorney has stated that he would try to find another case within the Southern District of New York that involved federal prosecution of a domestic threat between two residents of the same state of New York; he is yet to find one.

The FBI started harassing me for political posts in the summer of 2016. Around that time, after the harassment had begun, I became exceedingly more outraged at the obvious staging of our presidential election and the conspiracy between the DNC and the RNC and the FBI to keep Bernie Sanders out of the election. It is now undisputed, and Donna Brazille has confirmed, that the DNC sold out Bernie Sanders, not because they thought Hillary Clinton would win, but for some other reason. After all, it would have been no small victory to have a female president to begin with, but to expect a female that had scandal surrounding her would stand a better chance than Bernie Sanders is just ridiculous. The FBI admits, on its Complaint, that it began watching me due to comments made against James Comey "and others."

On the night of January 5th, 2017, intoxicated, anticipating I would need to go to family court in order to speak to my five year old child, allegedly I sent a ridiculous text message that I anticipated would initiate this family court proceeding. When the police called the next day, I explained that I was drunk, sorry, and certainly didn't mean anything if indeed I had sent such a text. Within a few hours, the FBI was bringing me to a "Behavioral Health Center." I explained to the admitting doctor that I had been drunk and that the FBI had been harassing me, my family, my employers, and my residences, for nearly six months, and that I regretted ineffectively dealing with my frustration at the psychological abuse of my daughter. The doctor refused to admit me. Then agent Kenney asked to speak to the doctor "in private" and persuaded her, somehow, to change her mind and admit me on a 15-day-observation-hold; after which, I was released.

Then, four months passed. On May 9th, 2017, the day James Comey was fired by Donald Trump, Agent Kenney suddenly arrived to arrest me and bring federal charges against me for making a threat in "interstate commerce," four months earlier, the night of January 5th. I thought this was strange, especially as we were both in NY, to say nothing of the four months that had elapsed.

In the FBI office I saw an email account with a plethora of emails from "Maureen Comey." The previews of these emails said things like, "Ok we got it," "Who wants to go on a pick up?" "What time will you leave?" "So you'll leave at 6 [AM]?"

I was "pick[ed] up" at 6:20 AM.

I asked Agent Kenney who Maureen Comey was, but he only got angry and repeated himself, "How do you know that

TRULINCS 79076054 - VON STEIN, CHRISTOPHER - Unit: BRO-I-A

name?

It turns out Maureen Comey is James Comey's daughter and she is a federal prosecutor in the Southern District of New York, where I am being prosecuted. Like father like daughter, I saw: certainly as it pertains to "selective enforcement," and using the law according to their own personal whims and agendas. It turns out James Comey is also a former federal prosecutor from the Southern District of NY. He used to work in the same Southern District Court and he was fired from the FBI the same day I was arrested by the FBI.

At first, I thought I would just plead guilty, and trust in a reasonable sentence from the judge.. The day I waived my indictment I was handed a plea-agreement for 21-27 months by the court-appointed attorney. It was then that I decided to ~~go pro-se or~~ represent myself. Then I started reading about the definition of a "true threat," the component of proximity (my ex-girlfriend and I were seven hours away from each other), seriousness (I was drunk, and I said I was drunk), and other topics like "mens rea" (guilty mind element of any crime) and "clear and present danger" (I've never been violent, and I was obviously only motivated to protect my child from abuse).

More importantly, I read about "selective enforcement" of the law and "equal justice." I began to consider a future filled with "selective or vindictive prosecution[s]" (Federal Rules [12B] of Criminal Procedure). I began to consider that all the rights that were guaranteed in the Constitution seem to be guaranteed for protection from a government that could become too oppressive, or be used oppressively by those public servants (especially a "culture of former federal prosecutors") who have been entrusted to uphold our laws with the founding principles (especially EQUALITY) in mind. According to the language of the Constitution, it seemed the authors were primarily concerned that such a government could try to imprison, punish, intimidate, and/or otherwise restrict life, liberty, or the pursuit of happiness, not for the unbiased, and just "animus" of securing the peace, but rather for more evil and "bad faith" purposes, such as selectivity... or vindictiveness, especially vindictiveness towards critics of those who have brought evil and bad faith to the doorstep of the democracy, itself.

It became clear that I was now being prosecuted, for a matter that would have normally been handled in a family court with an order of protection (and at most at the state level), selectively AS WELL AS vindictively, by the FBI and Jim Comey's daughter because I criticized the selectivity of the FBI and Jim Comey.

Getting into family court was the obvious "animus" in my drunken foolishness. While there was frustration at the psychological abuse of a young child, especially my own young child, I acted not to put fear into someone so that I could get something out of them, or get "my way" or keep someone from doing something they had a right to do. Even in my drunkenness, while obviously ineffective, I did not act to keep someone from doing a "lawful activity." My child's mother was keeping me from talking to my child. This is not lawful. She was exploiting the lack of judicial order for visitation; that does not make what she was doing lawful or morally correct. She was psychologically abusing our daughter, for no understandable reason.

I've been incarcerated for eight months. A trial is scheduled for March 19th. I have endured argument that I am a flight risk, unable to have a bail; then they changed the story to me being a danger to the community. I have presented evidence to the contrary; I was admitted to Behavioral Health for an extensive 15 day examination and released because I posed no threat to the safety of the community. I have submitted letters from psychiatrist and psychologist who have both conducted evaluations and determined I pose no threat to the community.

My stand-by attorney has told me that he believes Judge Briccetti may even not allow me to testify about certain subjects, including the vindictiveness of the FBI and Maureen Comey's use of an "impermissible classification" to prosecute me selectively and vindictively. He has told me that if the court rules that there is not enough evidence to show that I am being illegally singled out for prosecution by the federal government, that I may not even be allowed to talk of this subject at my trial. In this country we have the right to a "fair trial" and this country's constitution was written to protect citizens against illegal prosecutions of the government that are, "selective or vindictive."

What kind of fair trial can be held if the defendant is not allowed to testify about him being singled out by the federal government, illegally? When I reviewed the text conversation I saw that I said "I drunk." The FBI confiscated my phone and unfortunately for me, this text is not in the discovery that was provided. What use is the "right to testify" at a "fair trial" if the government who accuses me is allowed to decide which subjects and defenses I am allowed to testify about?"

The topic that I wish to testify about is a retaliatory federal government that has gotten out of hand and is intruding on states' rights, and the rights of American citizens, while it flagrantly outsteps the jurisdiction afforded it to oversee "interstate threats" and tampers with witnesses and evidence. If the federal government will now claim jurisdiction for any "crime" that is committed, simply because it was done with a phone, I believe this is something people should be made aware of. I believe this is an illegal infringement on state rights. If a citizen cannot argue this to a jury, who can?

The Federal Rules of Criminal Procedure, Rule 12b states that "selective or vindictive" prosecution is one of the few reasons to seek a pre-trial dismissal. This prosecution is evidently both selective, as well as vindictive, simply by the circumstantial

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evidence, even without discovery of the Maureen Comey emails. It is selective because of the nature of the prosecution which my court-appointed-attorney cannot find a similar case, which means, since "others similarly situated" (Doctrine of Selective Enforcement) were not prosecuted, that I have obviously been chosen by some "impermissible classification." It is evidently vindictive by the fact that the Complaint, drafted by the FBI, which mentions James Comey as initiating the involvement of the FBI, furnished for an arrest four months after an incident, that occurs the same day James Comey was fired, is being carried out in the district that Mr. Comey used to work as a prosecutor, in which his daughter is presently employed as the same, even without discovery of the emails showing Maureen coordinated the obtaining of the warrant and the arrest.

Yesterday, a private investigator hung up the phone simply for being told I was being prosecuted by the feds for making a threat. He didn't even hear any details.

Where are we headed, if in 2018, a federal defendant, obviously being singled out in an unusual federal prosecution, with obvious evidence of vindictiveness, is being told by his court-appointed attorney that he predicts the defendant will not be able to argue a vindictiveness or a "selective enforcement" or unequal protection of the law theory, nor receive appropriate jury instructions? According to this attorney's theory, nor will the defendant be able to argue anything that is not approved by the court, including tampered-with evidence, or lack of jurisdiction.

This prosecution is vindictive and selective, and that is a danger to public safety of the highest magnitude. The danger that is presented by a retaliatory, vindictive and selective government is the reason the country was formed and the Constitution written.

We all are aware of the horrors that can quickly start to come when dictators use fear and intimidation to promote silence in the face of injustice. Thomas Jefferson said, "When injustice becomes law, resistance becomes duty."

Please forward this message to someone who may also care about this subject or the future of our justice system.

CoShaw 1/15/18

TRULINCS 79076054 - VON STEIN, CHRISTOPHER - Unit: BRO-I-A

FROM: Graciano, Irma
 TO: 79076054
 SUBJECT: Habeas
 DATE: 01/15/2018 01:21:03 PM

2018 JAN 15 PM 3:20

GROUNDS IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

Christopher von Stein, pro se Defendant, respectfully petitions this court for a writ of habeas corpus, and by this verified petition sets forth the following facts and causes for the issuance of said writ:

Ground ONE: There is no subject matter jurisdiction for this federal prosecution, nor is there even so much as any presentation of a theory that subject matter jurisdiction exists.

Supporting Facts: D is charged with violating 18 U.S.C 875 (c), making a threat in Interstate Commerce. There is no case law establishing that the data of a text message sent from one resident of a state to another resident of a state ever "leaves" the state, thereby entering "interstate commerce."

In another case, federal jurisdiction was established because it was shown that a bomb-threat made by way of America online Instant Messenger was routed by a "channel" of communication to a server in Virginia, before being re-routed back to Utah. In another case, federal jurisdiction would be established because a threat was allegedly made by way of telephone from a resident of New York, to a resident in Florida. In another case, federal jurisdiction for an alleged threat would be established because someone made a threat towards Yassir Arafat on television. Defendant's court-appointed-stand-by-attorney, Bruce Koffsky, is unable to find any similar case-law, that is, any case in which a defendant has been federally prosecuted for a text message that appears threatening, having been communicated from one resident of a state to another resident within the same state. In another case, a man wrote lyrics that appeared to be threatening on facebook, which is the internet.

Numerous phone company tech support employees have confirmed to Defendant's family and power-of-attorney, Irma Graciano, what any lay person could assume just by reading the explanations for federal jurisdiction available in previous case law: that intrastate text messages do not involve "interstate commerce" because text messages are not re-routed out of state before returning. These professionals of the phone companies all confirm that regular text messages from an Android phone would never use the internet in order to be transmitted to an Iphone. They all confirm that the data from a NY-originated text message would be transmitted to its NY destination by way of NY "servers" without ever "leaving" the state; that is, without ever arguably entering "interstate commerce," unless both sender and receiver were using a wifi service.. In this case there is no argument even available that such a service was being used because the sender has an Android device and the recipient has an Iphone, and the difference in technology renders this impossible.

Ground TWO: This prosecution is selective and discriminatory towards D. as a "class of one."

Supporting Facts: According to the reaction and statements of Police, U.S. Marshals, attorneys (including the court appointed attorney who cannot find any similar cases), private investigators, federal prison officers, and prisoners themselves, it is unheard of for the federal government to prosecute a domestic altercation involving a threat made between two residents of the same state regardless of the lack of jurisdiction issue.

The alleged "interstate threat" was made between two people within the same state of New York and this lack of jurisdiction should be only mildly surprising with consideration that the Complaint shows blatant motive for the FBI to selectively single-out D for prosecution, as it claims (Complaint, "3") James Comey, the FBI director, as a victim. This is to say nothing of the fact that James Comey used to work at the Southern District of New York as a prosecutor, that his daughter, Maurene Comey, works there now as a prosecutor, that D and other members of Law Enforcement are well aware of Maurene Comey's personal involvement in obtaining the warrant, her likely responsibility for the numerous bits of fraud committed on the complaint, and the orchestrating of his "pick up," (as evidenced by her numerous emails), which D has seen, himself.

Ground THREE: This is a vindictive prosecution

Supporting Facts: The complaint was drafted by the FBI while claiming its leader as a tentative and vaguely stated victim. It says the FBI started watching D for "threats" made to "James Comey and others" (Complaint, 3) but doesn't quote any of these threats, nor is D charged with any such threat in the Information. The Complaint contains numerous relevant omissions and instances of fraud, but the most obvious evidence of the vindictiveness of the prosecution is that D is being singled out for a matter that is normally handled in family court, while the FBI overreaches its jurisdiction in an unheard of prosecution, that would be unheard of even if it had proper subject matter jurisdiction. The fact that Maurene Comey works at the prosecutor's office that is prosecuting him is far more than any court could reasonably ask as a prima facie showing, but belief in her personal involvement is hereby sworn to by D., who first learned of her name when he saw her numerous emails, in the FBI station, referencing his "pick up" and her having obtained the warrant for him. Defendant declares that the existence of these emails are verifiable by local and federal law enforcement.

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Ground FOUR: The Court is displaying outrageous governmental misconduct and compromising the integrity of the Judiciary. Supporting Facts: The Court told Defendant to work out a bail package with the prosecutor, but made comment that agreement from the prosecutor was not a requirement of bail. After receiving a "Declaration of Selective and Discriminatory Prosecution," the prosecutor stated it was no longer willing to work out a bail package. At the next appearance the Court had changed its mind about a bail as well, apparently because of this Declaration, and instead ordered a psychological evaluation and said Defendant was "clearly having mental issues" to suspect the FBI/Prosecutor were capable of any sort of foul-play/"conspiracy" (despite J. Comey working at the FBI and M. Comey at the prosecutor's office). Defendant obtained the psychological evaluation as well as a summary letter from the senior psychiatrist who oversaw a 15-day psychiatric evaluation at the date of the Instant Offense. With the submission of the psychiatric and psychological opinions, was presented the fact that four months elapsed between the date the FBI brought Defendant to a Behavioral Health Center (for the 15-day analysis) and the date of arrest. One day before this ultimate bail hearing (December 6, 2017), Defendant was presented with the prosecutor's argument that the psychological evaluation was insufficient. Seconds before court commenced, he was presented with the attached "exhibits" of more posts from Defendant's facebook account. The Court, rather than allowing Defendant to rebut, even orally, declared that despite having fulfilled the Order for a psychological evaluation, and having also presented a summary letter of the FBI-inspired-15-day psychiatric evaluation, that the Court would now want to see a new psychiatric evaluation and to have Defendant placed on medication, and to have that medication monitored in his bloodstream before bail would be considered.

During the course of all this back and forth about bail (a period of seven months), numerous violations of Constitutional rights occurred with flagrant disregard for the "interest of justice" (Authority for Promulgation of Rules [pg 'v' of FRCrP]) and even so much as an appearance of an unbiased judicial proceeding (Code of Judicial Conduct), including incessant derogatory and biased comments about D's mental health, and an obvious selective prosecution, being carried out vindictively, even prima facie, with glaring and undeniable conflicts of interest pointing to the egregious reality of personal motivation to federally prosecute a matter that is normally handled in family court, in order to retaliate against Defendant for comments made about prosecutor Maurene Comey's father, and the FBI's former director, James Comey, who happens to have lost his job due to alleged conspiracy to overthrow the American democratic process, the same day D was arrested (May 9th, 2017).

J. Briccetti yells (judges to be courteous and respectful [Ch. 2: Code of Conduct]), doesn't allow D. to speak, (confront his accuser), and has D removed from the courtroom for nothing more than stating his "objection" to falsehood (September 4th, 2017).

Ground FIVE: Defendant is not a flight risk.

Supporting Facts: D has never been a flight risk, nor given anyone any reason to imagine he would be. D's guideline range is 15-21 months or less (prosecutor's office incorrectly calculated range at 21-27 months; either way its a minimal amount of time, comparative to typical federal sentences). D does not own a passport nor has contacts outside of the country; if he did, the government would argue these as reasons to detain, therefore in their absence, conversely, they would logically be reasons to bail. Defendant has two young daughters ages 6 and 14. They are the center of his world and his greatest personal concern. He has raised his 14-year-old primarily by himself, as her only custodial parent, since she was three years old. Abuse of his concern for his children is what inflamed the circumstances that led to the alleged instant offense. D could not consider absconding, even if the charge of making a threat in interstate commerce carried a lengthy maximum sentence, which it does not. D is also in the midst of litigation of two strong civil suits which are sureties in themselves; one of these cases is before a colleague of Judge Briccetti: Honorable Judge Seibel. To say he is a flight risk is simply obnoxious, dishonest, and preposterous.

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FROM: Graciano, Irma
 TO: 79076054
 SUBJECT: Habeas part II
 DATE: 01/15/2018 01:21:03 PM

Ground SIX: D is not a danger to others.

Supporting Facts: D is not violent. D has never initiated any act of violence on another human being. He has no acts of violence in his history. D has been incarcerated in general population, at two different federal holding facilities, for the past eight months without incident; if D had been in any altercation, the prosecutors and chief pretrial services officer would hardly be able to contain themselves in exploiting such altercation, regardless of the stressful environment or the violent tendencies of those with whom he is incarcerated; so it seems only the logical and impartial conclusion that lack of such incident is testament to his peaceful nature. D was examined by mental health professionals after the alleged instant offense. They found him safe for the community and released him. After this, four months elapsed before D was arrested, proving these professionals were right. While incarcerated D has undergone another psychological evaluation in support of the 15-day psychiatric evaluation, and submitted documentation for both.

Ground SEVEN: The Court and its agents are exemplifying grotesque and callous indifference to the interests of justice and respect for civil liberties, and reckless disregard for the truth, and the law itself, specifically, the same Title 18 of federal law, under which D is being prosecuted.

Supporting Facts: On July 7, 2017, D told his court-appointed-attorney, Bruce D. Koffsky, he would like to re-appear in front of Honorable Judge McCarthy to address bail. He explained that she had deliberated much in detaining him, and had requested a psychological evaluation as the thing that would tip the scales favorably. Mr. Koffsky agreed it would be strategic to first attempt to get bail before Judge McCarthy, then, instead brought the matter up before Judge Briccetti, as though that conversation never took place, and failed to schedule any psychological evaluation. This is called judge shopping, and working against the specific requests of the defendant.

On July 13th J. Briccetti instructed D and the government to work out a bail package, stating something like, "We usually try to work out a bail for this kind of case." On the 17th of July, Mr. Koffsky told D and D's girlfriend, Irma Graciano (on a conference call), that he thinks he can get the case taken care of "without any felony conviction."

On July 19th, D mailed a "Declaration of Selective and Discriminatory Prosecution," because he was concerned with the FBI trying to intimidate him/a WCPD officer who's email account D oversaw (that showed vindictiveness); D felt the FBI was still trying to intimidate him because instead of the U.S. Marshals picking him up and taking him to court, the prosecutor "forgot" to put D on the list for court, and later that day, one hour before court, the FBI picked D up from the jail in a black SUV with the officer who's emails D had happened to oversee. Also, D was concerned with why an order of protection had suddenly shown up between him and his children, six months later, after Defendant had been incarcerated for two months, and was already limited to writing letters to his five-year-old daughter, while communication with his children was his obvious primary concern (and instigating factor in the alleged instant offense).

On July 31st, Mr Koffsky visited D at the jail, and said that Joon Kim, the new U.S. attorney, received D's Declaration and was no longer willing to work out a bail package. Mr. Koffsky said that while he enjoyed it, he imagined it was the reason Mr. Kim was not willing to abide by J. Briccetti's instruction to "work out a bail package."

On August 3rd, the next court appearance, rather than any protection or shared concern, Judge Briccetti said he has also changed his mind about bail because of the Declaration, that "There is no conspiracy!" and that D is "clearly having mental issues" to suspect that it's possible the FBI or the Southern District prosecutor's office is involved in any sort of conspiracy. He ended by saying that if D gets a favorable psychological evaluation, "Maybe [he] will, and maybe [he] won't," grant a bail. Judge Briccetti questions why the psychological evaluation has not been completed, Koffsky promises to have it done "early next week," but instead of scheduling one, at some point after court, returns to the court to obtain permission for a psychiatric evaluation. Neither psychiatric nor psychological evaluation is completed when D returns to court September 4, 2017, and after again questioning Koffsky about it still not being completed, Judge Briccetti says that makes sense to him.

By the end of of September, the "Declaration" that both the prosecutor and Judge Briccetti were using against D to not only deny him bail, but to question his sanity, was still not on the docket, two months after sending it. D's mother and girlfriend, Ms. Graciano, called the court on numerous occasions each, and, when asked how this was possible, were told by various employees that the document may not be on the docket yet because the judge may not have sent "it back down yet." This policy seems to be an administrative practice of Judge Briccetti, in direct defiance of Title 18 U.S.C 2071 and 2076, which state that any document that is with a clerk "deposited" must be filed, and that anyone who conceals, carries away, destroys, mutilates, etc such a document will lose his office and be barred from holding any office for the United States.

Defendant tells Mr. Koffsky that he just wants a speedy trial, and Mr. Koffsky replies with a threat, through D's parents, that "If he doesn't get the psychiatric evaluation, I don't know if I can represent him."

Ground EIGHT: The prison warden and Mr. Koffsky are condoning violations of Due Process and the Law itself.

Supporting Facts: Defendant advised Mr. Koffsky and the prison (MDC) that all his mail from courts and attorneys is arriving

TRULINCS 79076054 - VON STEIN, CHRISTOPHER - Unit: BRO-I-A

already opened, despite markings of "Legal mail. Open Only in the Presence of the Inmate." The Metropolitan Detention Center has stated that mail from a court is not considered legal mail. They also assert that mail from the office of a U.S. attorney or one's own attorney is also not legal mail.

Mr. Koffsky told D not to bother the court regarding this or the medical issues. Defendant has since submitted a motion addressing these issues.

Numerous officials, including the warden, confirm ~~that~~ a policy that mail from the "office of" an attorney is different from mail from an attorney. In essence, if it is from "Bruce Koffsky, Attorney at Law" then it would be honored as legal mail. Yet mail from a court, and mail from "Koffsky & Felsen" doesn't count, because Koffsky and Felsen implies that it is an office, and not people, and the court's order was written about a prisoner's "attorney," who is a person.

Discovery has also arrived open and rifled through, and there's no way of telling what is missing. Legal mail is not uncommonly missing altogether, (as attested to by D's family court attorney, Darryl Bloom, who says he sent something that never arrived, as well as Bruce Koffsky, who referenced pages that D never saw). D also proceeds pro se in two civil cases, each of which concern the sensitive subjects of litigation involving DOC and DOC staff. Sometimes certified mail sits for up to two whole months from the date its stamped "received" to the date delivered to D (confirmable by speaking to a G. Edwards, Officer Monas, and numerous officer's log-entries).

Mr. Koffsky has begun telling D (12/22/17) that he believes that if Defendant is unable to prove Maurene Comey's involvement, that "[he] believe[s] Briccetti will try to box [Defendant] in." Defendant is astounded at the fact that he's being told by a court-appointed attorney that the judge has an interest in "box[ing]" anyone in, but he is almost equally astounded by the fact that this attorney says he will not participate in making any phone call to law enforcement, or prosecutor to verify if Maurene Comey has indeed orchestrated this prosecution. One officer told D's girlfriend to have his lawyer contact him, Mr. Koffsky was told this, and still refuses.


The notion of having a court attempting to "box [someone] in" seems like the type of oppression the founders were trying to escape from when they fled England and wrote the Constitution guaranteeing rights like the right to a fair and public trial and the right to testify at said trial. It seems outrageous that the court not only has an interest in the outcome of the case, but that it is being predicted that the judge may try to limit testimony about the nature of an obviously selective and vindictive prosecution that is not only barred Constitutionally, but by the Federal Rules of Criminal Procedure themselves (Rule 12b [selective or vindictive prosecution]), and additionally fails to even show any theory, logical or otherwise, for why anyone should suppose federal jurisdiction is warranted. This is even without mention of the fact that federal jurisdiction of this case steals authority from the State of NY and is barred constitutionally, on that basis as well. What happened to "the truth, the whole truth, and nothing but the truth, so help you God?" Many of the American civil liberties seem to have been guaranteed in order to protect against exactly such a situation as this, namely: retaliatory (vindictive) and selective governmental oppression.

18 U.S. Code § 2071 - Concealment, removal, or mutilation generally

(a) Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or, with intent to do so takes and carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined under this title or imprisoned not more than three years, or both.

(b) Whoever, having the custody of any such record, proceeding, map, book, document, paper, or other thing, willfully and unlawfully conceals, removes, mutilates, obliterates, falsifies, or destroys the same, shall be fined under this title or imprisoned not more than three years, or both; and shall forfeit his office and be disqualified from holding any office under the United States. As used in this subsection, the term "office" does not include the office held by any person as a retired officer of the Armed Forces of the United States.

Respectfully Submitted,
/s/ Christopher von Stein
Pro Se Defendant

 1/15/18

Date: January 10, 2018
Christopher von Stein No. 79076-054
MDC Brooklyn PO BOX 329002
Brooklyn NY 11232
310.956.6388 ouestgalilea@gmail.com

TRULINCS 79076054 - VON STEIN, CHRISTOPHER - Unit: BRO-I-A

FROM: Warden
TO: 79076054
SUBJECT: RE:***Inmate to Staff Message***
DATE: 10/20/2017 10:32:02 AM

Exhibit A

SEP 18 2017 10:32:02 AM

You were seen today by the Case Management Coordinator(CMC) who reviewed your mail and she has advised you that it did not meet the legal mail criteria. Please advise your attorney that in order for legal mail to meet policy requirements all criteria has to be met. If you have any further issues you can address it with the CMC.

>>> ~^!"VON STEIN, ~^!CHRISTOPHER" <79076054@inmatemessage.com> 10/16/2017 10:45 AM >>>

To: warden
Inmate Work Assignment: none

Dear Warden,
my legal mail comes to me already opened here. This has happened three times in the 2 1/2 weeks since I came to the jail. I have had the officers log it in the log book. I believe this is a violation of federal law. The envelopes were from my attorney and from courts. Please direct me to whom I should ask to look into this matter, if you believe it to not be within your purvue. Thank you.

TRULINCS 79076054 - VON STEIN, CHRISTOPHER - Unit: BRO-I-A

Exhibit B

FROM: 79076054

TO: Warden

SUBJECT: ***Request to Staff*** VON STEIN, CHRISTOPHER, Reg# 79076054, BRO-I-A

DATE: 10/29/2017 08:09:52 PM

To: warden

Inmate Work Assignment: none

Dear Warden,

You directed me to speak to the CMC person about the legal mail being opened issue. She has become unresponsive.

The last thing I asked her (I believe it may have been Ms. O'Brian, the lady who came to look at my mail), was if what she was telling me actually made any sense to her or if it was something she had been told to repeat.

Her lack of response, for what feels like well over a week, makes me think that her responses must be those given to her to repeat, because if they made sense to her, personally, a person should have no hesitation stating that it makes sense to him/her, personally. If, however, what the person says actually makes no sense to him/her, personally, but it has, rather, been given to them, with instructions to parrot it, then, when asked, the person is likely to hesitate, unable say that the nonsense makes any sense to them, and also being unwilling to give up his/her superior, who gave them the nonsensical thing to parrot.

Therefore, in my infinite time to pontificate, I have concluded that the Mrs. O'Brian has neither passed away, nor gone on a long vacation, but rather has conceded, without saying so, that the things she was telling me, do not, in actuality, make any sense, and they were given to her from somewhere above her pay-grade.

That being said, and in consideration of the fact that the department with whom you told me to address this matter has become unresponsive to this matter, I humbly ask your permission to bring it back up before you.

The matter is specifically that all my legal mail, including Discovery, is being opened and rifled through, outside of my presence. I suspect that numerous legal correspondence has disappeared, especially incoming, as lawyers and courts have stated that documents were sent that I never received. Also, there seems to be things missing from my discovery that I would have imagined would have been included.

In response to my complaints, a Ms. O'Brian came to inspect the mail that I alleged had been opened. She then proceeded to tell me that mail from a court/judge, including a federal one, would not be considered legal mail. This sounds preposterous, because the courts/judges are practically synonymous with the word legal.

Also she told me that mail from the office of an attorney would not be honored as legal mail, despite the required markings of "legal mail/Privileged mail. Open only in the presence of the inmate." She said this is because the BOP interpretation of the court's ruling that legal mail shall only be opened in the presence of the prisoner is worded in such a way that it speaks of mail from an attorney, and it says nothing of "an office of an attorney."

In short, she says that the return address would have to say "Bruce Koffsky, Attorney" and not "The Law Office of Bruce Koffsky" in order to be considered legal mail.

I can't decide which thing is more abhorrent or absurd, the part about the mail from the court not being legal mail, or the part about the office of the attorney being different from the attorney, but I'm pretty sure, even as a "layman," and even without a dictionary at my disposal, that something here is either abhorrent or absurd or both. And I feel perhaps even more sure that my rights to Due Process are being violated, blatantly, and even ridiculously, with callous indifference to the very law by which your facility is granted authority to function.

I humbly ask for clarification in my deep confusion,
Thank you

Christopher von STEIN
79076-654
METROPOLITAN DETENTION CENTER
PO Box 329002
Brooklyn, NY 11232

Pro Se Clerk
DANIEL PATRICK MOYNIHAN U.S. Courthouse
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NEW YORK NY
26 JAN 2018 PM

Legal Mail

